



TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, January 26, 2018 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Mr. Scott W. Fisher, Chairman
James Castro
Judge Lisa Jarrett
Chief Pama Hencerling
Judge Wes Ritchey
Jimmy Smith
Chief Edeska Barnes
MaryLou Mendoza
Candy Noble
Chief Scott Matthew

BOARD MEMBERS ABSENT:

Judge Carol Bush
Allison Palmer
Judge Stephanie Moreno

EXECUTIVE STAFF PRESENT:

Camille Cain, Executive Director
Chelsea Buchholtz, Chief of Staff
Tushar Desai, Director of Medical Services
Luther Taliaferro, Director of Education Services
Jim Southwell, Chief Information Officer
Jeannette Cantu, Executive Assistant
Rebecca Walters, Senior Director of Placement,
Re-entry, and Program Development

Jill Mata, General Counsel
Carolyn Beck, Director of External Relations
Eleazar Garcia, Chief Internal Auditor
Mike Meyer, Chief Financial Officer
Lou Serrano, Senior Director of Probation
and Community Services
Alan Walters, Director of Halfway Houses and
Facility Support

Other Guests Present

Eduardo Garza, TJJD
Ron Quiros, Guadalupe Co.
Karen Saucillo, TJJD
Todd Novak, TJJD
Xavier Casares, TJJD
Keven DuBose, TJJD
Rachel Gandy, DRTx
Stephanie Valdez, TJJD
Kathryn Gray, TJJD
Kimbla Newsom, TJJD

Fred Meinke, TJJD
Susan Humphrey, Bell Co.
Seth Christensen, OOG
Daniel Guajardo, TJJD
Zachary T., youth
Josh Bauermeister, TJJD Shelly McKinley, TJJD
Szanne Scharle, TJJD
Sherrel Kivumba, TJJD
Emilio Mendoza, visitor
Jenna Reblin, TJJD

Lucy Rodriguez, TJJD
April Jameson, TJJD
Jarmoe Finely, TJJD
Keith Preussee, TJJD
Theophilus Kaaya, TJJD
Amy Alese Miller, TJJD
Greg Biten, PetroED
Debbie Unruh, OIO
Jolie McCullough, TX Tribune

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Michael Turner, TJJD
Ken Ming, TJJD
Marie Welsch, TJJD
Matt Benbow, Palo Pinto Co.
Matt Puckett, LBB
Chad Cantella, TPA
Scott Friedman, TJJD

Jeannette Lepe, TJJD
Elizabeth Alamo, TJJD
Kaci Singer, TJJD
Zane Silverthorn, Palo Pinto Co.
Doug Vance, Brazos Co.
Steve Roman, TJJD
Tammy Holland, TJJD

Randy Turner, One Heart
Linda Brooke, visitor
Karol Davidson, TJJD
Karen Kennedy, TJJD
Kiara Thomas, TJJD

Call to order

Chairman Fisher called the meeting to order at 9:00 a.m. He announced that the agency is broadcasting the board meeting live on the internet.

Prayer

Amy Miller opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration and possible approval regarding excused absences

Board members absent were Judge Carol Bush, Allison Palmer, and Judge Stephanie Moreno. MaryLou Mendoza moved to excuse their absence. Chief Barnes seconded. The motion passed.

Discussion, consideration, and possible approval regarding the October 20, 2017 meeting minutes

Jimmy Smith moved to approve the minutes. Judge Lisa Jarrett seconded. The motion passed.

Discussion, consideration, and possible approval regarding the December 12, 2017 meeting minutes

Judge Wes Ritchey moved to approve the minutes. Candace Noble seconded. The motion passed.

Public Comments

There were no public comments.

Report from the Executive Director

Camille Cain, Executive Director, announced she's been very busy and learning a lot in her first 17 days of employment. She has convened workgroups that have come up with ideas for consideration for improving safety and security, population management and program improvement.

She stated that she received a letter from Governor Abbott encouraging her to reach out to stakeholders and develop a plan that she can share with him in the near future for making facilities safer.

Ms. Cain's wants TJJD to be a national model. Safety is paramount and is her number one primary goal.

On the issue of the allegations that have come out over the last months, she's learned that TJJD has done a good job of cleaning house, and is transparent and open about what's happening. The Texas Rangers are elite and committed to working with the OIG on all investigations. If employees are acting dishonorable, TJJD will find out and find the employee a home within the adult criminal justice system.

Staff and members of the public can now report a tip to the Texas CrimeStoppers. It's an anonymous line. Those tips will go through the Texas Rangers and OIG.

Ms. Cain stated that she met with many members of advocacy agencies and looks forward to continue working with them. She has started and is continuing to work with members of the legislature on an ongoing basis.

The Governor's office approved the agency's grant request for a child sex trafficking tool and also a grant to digitize all investigations records so the Texas Rangers can review investigations.

Edeska Barnes thanked Ms. Cain and the Chairman for going to East Texas for a meeting with Representative White and chiefs in that area.

Chairman Fisher announced that we were having audio problems on the broadcast and recessed for a 10 minute break while the issues could be addressed.

Report from the Advisory Council

Doug Vance, Chair of the Advisory Council, welcomed Ms. Cain and said the Advisory Council was excited to be working with her. He summarized the topics from their last meeting: Special recognition to David Reilly and Mark Williams who retired from the council; Susan Humphrey was elected to vice-chair the advisory council; mental health subcommittee was established; initial meeting of the suicide prevention committee was held.

MaryLou Mendoza thanked Chief Vance for getting a mental health subcommittee together.

Report from the inspector general

Forrest Mitchell, Chief Inspector General, presented the first quarter statistical report prepared by the OIG. Stemming from the investigations that the OIG conducted in Gainesville, the OIG has been working with the Texas Rangers to work collaboratively on these investigations. This is an ongoing process. During the first quarter OIG conducted its in-service training. The Special Prosecution Unit (SPU) has been critical in providing this training. OIG will hold a joint training with the SPU next month. OIG is now presenting at the monthly JCO academies. OIG conducted an administrative review of the absconds that occur at halfway houses.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations Division (AID), provided a summary of comparisons for the county investigations unit and the state investigations unit for the time period of September 1, 2017 through November 30, 2017. He noted there was a replacement page for page 43. Of particular note on the county side, there has been an overall increase in total reports received. There has also been an increase in total allegation classifications. There has been a decrease in the number of serious incident classifications. On the state side, the total investigations opened during the reporting timeframe had decreased significantly. The average days of disposition has improved from 91 to 56 days. AID has also been involved a webinar on active shooter events and participated in conducting specialized sexual abuse investigations training. They also travelled to state facilities to participate in town hall meetings to address core issues of which staff need to be familiar including document tampering, boundary issues, language and failure to intervene on youth on youth assaults.

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In response to a question from Scott Matthew regarding the reduction of total investigations opened, Mr. DuBose said that this is due in large part because the IRC now has the ability to refer complaints directly to the State Program division that can be addressed at the local level instead of referring them to AID. Chairman Fisher asked that Mr. DuBose drilldown further to see what else is attributing to this decrease and report further at the next board meeting.

In response to a question by James Castro regarding staff training, Ms. Cain stated the new JCO's receive 360 hours of training at the beginning. She would like to start a program to look at what is being offered now and making sure it's right sized so other training can be inserted without overwhelming the system. If you don't give appropriate training, that doesn't help the supervision issues. Chairman Fisher said this may be a topic for the Programs Committee to look at in the future.

A presentation by PetroED – eLearning in the Oil and Gas Industries

Greg Bihn, President of PetroED, Sherrell Kivumbi, TJJD Community & Family Coordinator and Keith Preusse, TJJD Parole Officer presented a presentation to the board on how PetroED is assisting youth to get an oil and gas certification through e-learning. Youth, Z.T., appeared and talked about how PetroEd has helped him since he's been on parole. Chairman Fisher thanked them for what they do to engage in the lives of the kids and giving them this opportunity.

Report from the Trust Committee

Jimmy Smith provided a recap of the items heard by the Trust Committee including a report from Kathryn Gray, Staff Attorney, who brought forward a Trust Committee Charter for review.

Report from the Finance and Audit Committee

Judge Wes Ritchey provided a recap of the items heard by the Finance and Audit Committee. He commended staff for thinking out of the box to create special positions.

Acknowledgement of gifts (Action)

Mike Meyer, Chief Financial Officer, listed the gifted items. Candace Noble moved to acknowledge the gifts. MaryLou Mendoza seconded. The motion passed.

Discussion, consideration, and possible approval regarding requests to exceed appropriation transfer limitations (Action)

Mr. Meyer stated the General Appropriations Act requires agencies to seek approval from the Governor's Office and the Legislative Budget Board to pursue a capital project if that project was presented to the legislature but was not funded. He summarized two such projects: (1) replacing the agency's mission-critical, legacy youth case management system (\$1.8 million); and (2) purchasing replacement radios for use by correctional staff at state –operated facilities (\$0.2 million). The projects will be financed with savings within existing capital budget appropriations and salary savings.

Judge Wes Ritchey moved to approve to request authority to exceed discretionary transfer limitations. Chief Pama Hencerling seconded. The motion passed.

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Discussion, consideration, and possible approval regarding extension of the Juvenile Case Management System Basic operation and maintenance contract (Action)

Kenneth Ming, Director of Business Operations and Contracts, stated he was here to request approval to extend the contract with the Conference of Urban Counties through the end of the year. He stated TJJD was unable to make an award from the proposals received through the competitive solicitation process. TJJD has decided additional work is required in developing more detailed technical specifications and a more thorough transition plan in the event the agency changes support vendors with the award of a future contract during a 2018 competitive solicitation process. Extending the current contract through the end of the year allows time for that process.

In response to a question from Candace Noble, Mr. Ming stated that he expected the solicitation process to take 4-5 months.

Mr. Matthew moved to extend the contract. Judge Lisa Jarrett seconded. The motion passed.

Ms. Cain recognized the following facilities and individuals for passing their PREA audits: Ron Jackson – April Jameson, Evins – Tamu Steptoe (accepted by Alan Michel), Tamayo House – Eduarda Garza, and Brownwood House – Jarome Finley. A photo was taken at the break.

Chairman Fisher recessed for a break.

Discussion, consideration, and possible approval of appointments to the Advisory Council for Juvenile Services (Action)

Lou Serrano, Senior Director of Probation and Community Services, asked the board for consideration and approval to appointments to the advisory council including three chief appointments, a juvenile court judge and a commissioners' court appointment. A subcommittee of the board was convened, including the 3 chief probation officers, to make the following recommendations: Juvenile Court Judge – Mario Ramirez; Commissioners Court – Mark Allen; Central Texas Juvenile Chief's Association – Susan Humphrey; Southeast Texas Juvenile Chief's Association – Doug Vance; and West Texas Juvenile Chief's Association – Sy Tabor.

Chief Scott Matthew moved to approve the appointments to the Advisory Council. Chief Edeska Barnes seconded. The motion passed.

Discussion, consideration, and possible approval of the Endowment Trust Fund Audit Report 17-7 (Action)

Eleazar Garcia, Chief Internal Auditor, stated the audit objectives were to determine whether the agency complies with the Public Funds Investment Act (PFIA), and to determine whether management has implemented effective controls over trust fund activities. It was found that the agency meets the investment policies & strategies requirement promulgated by the PFIA. The agency meets the standard of care requirement promulgated by the PFIA. The agency meets the authorized investment requirements promulgated by the PFIA. Follow-up on three prior audit recommendations determined management action plans have been completed and implemented. The investment officer should provide a biennial report on the PFIA to the Board. The Education Assistance Manual should be updated to reflect the program objectives(s) and procedures for providing assistance to approved participants in the program. Monitoring of trust fund transactions can be enhanced to ensure proper approval as well as timely

recording of transactions. User access controls to departmental information folders and records can be strengthened to promote information data security. Management concurred with the recommendations.

Judge Lisa Jarrett moved to approve the audit. Judge Wes Ritchey seconded. The motion carried.

Discussion, consideration, and possible approval of the Special Vocational Projects

Consultation Report 17-6 (Action)

Mr. Garcia stated the objective was to evaluate if Education's special vocational projects are following policies and expectations, as well as reviewing the related financial accounting for the projects. This consulting engagement also included identifying any areas of potential risks and gaps not previously identified in the documented processes. The scope consisted of reviewing records provided by the Office of Inspector General and Administrative Investigations Division, reviewing documentation of completed vocational projects, interviewing Education and Finance staff, as well as conducting interviews of staff at the Gainesville State School and Giddings State School. The scope further included review of related financial records for FY 2017 and site visits to the Gainesville facility on August 31, 2017 and Giddings facility on September 21, 2017. Specific results and recommendations were provided to executive management.

Judge Wes Ritchey moved to approve the Special Vocational Projects Consultation Report. Chief Scott Matthew Seconded. The motion passed.

Discussion, consideration, and possible approval of the FY 2018 Internal Audit Charter (Action)

Mr. Garcia reported that the Internal Audit Charter has been updated to include the new executive director, Camille Cain's approval.

Candace Noble moved to approve the Internal Audit Charter. Judge Wes Ritchey seconded. The motion passed.

Report from the Programs Committee

Edeska Barnes provided an overview of the items discussed in Committee. Items requiring action by the board were recommended favorably by the committee.

Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.8583, relating to Financial Support for Reentry (Action)

Rebecca Walters, Senior Director of Youth Placement, Re-entry, and Program Development, presented this rule for final adoption. The public comment period has ended, and TJJD did not receive any public comments. However, the staff has recommended clarification that financial reentry support is available to youth in medium-restriction facilities (rather than halfway houses). The staff believes this change exceeds the limitations set by the August 2017 resolution. As a result, the staff is seeking Board approval to adopt the final rule text, including the additional clarification.

Jimmy Smith moved to approve the final adoption. MaryLou Mendoza seconded. The motion passed.

Discussion, consideration, and possible approval to publish revisions to 37 TAC §380.8595 (Parole Completion and Discharge) in the Texas Register for a 30-day public comment period and possible conditional approval to adopt the final rule (Action)

Ms. Walters stated that staff requests the board's approval to publish the proposed revisions in the Texas Register for a 30-day public comment period. The staff also requests the board's approval to adopt the final rule after the public comment has ended, but only if the conditions listed in the accompanying resolution are met.

MaryLou Mendoza moved to approve to publish the revisions. James Castro seconded. The motion carried.

Discussion, consideration, and possible recommendation for final adoption of new 37 TAC Chapter 353 (Substance Abuse Treatment Programs) (Action)

Kaci Singer, Staff Attorney and Policy Supervisor, presented this rule for final adoption. The comment period has ended. TJJD received comments from the Coalition for Nurses in Advanced Practice. As a result of those comments, the TJJD staff is recommending technical changes to the proposed rule text.

James Castro moved to approve the final adoption. Chief Pama Hencerling seconded. The motion carried.

Report from the Safety and Security Committee

Judge Lisa Jarrett provided an overview of the items discussed in Committee. Items requiring action by the board were recommended favorably by the committee.

Discussion, consideration, and possible approval regarding the discipline of certified officers-Agreed Orders (Action)

- a. Jose Herrera, Certification No. 29386, 18-29386-170164 (Angelina)
- b. Maria Deal, Certification No. 18779, 18-18779-170351 (Bexar)
- c. Taylor Garner, Certification No. 29456, 17-29456-170184 (Denton)
- d. Jesus Peralta, Certification No. 17753, 17-17753-170220 (El Paso)
- e. Darrian Perriatt, Certification No. 30818, 18-30818-170251 (Harris)
- f. Brittany Perez, Certification No. 31465, 17-31465 (Randall)
- g. Ella Soto, Certification No. 31491, 17-31491-170321 (Victoria)

Jenna Reblin, Staff Attorney, presented the agreed orders.

The vote was taken on a,c,d,and f. Scott Matthew moved to approve the agreed orders. Candace Noble seconded. The motion carried.

The vote was taken on b. Judge Lisa Jarrett abstained. Judge Wes Ritchey moved to approve the agreed order. James Castro seconded. The motion carried.

The vote was taken on e. Chief Edeska Barnes abstained. James Castro moved to approve the agreed order. Judge Wes Ritchey seconded. The motion carried.

The vote was taken on g. Chief Pama Hencerling abstained. MaryLou Mendoza moved to approve the agreed order. Chief Edeska Barnes seconded. The motion carried.

**Discussion, consideration, and possible approval regarding the discipline of certified officers-
Default Orders (Action)**

- a. Brenden Stadelman, Certification No. 31329, 18-31329-170253 (Bell)
- b. Marcos Marmolejo, Certification No. 31111, 17-31111-170168 (Bexar)
- c. Richard Ramsey, Certification No. 27021, 17-27021-170170 (Bexar)
- d. Dyshel R Stanford, Certification No. 12085, 17-12085 (Dallas)
- e. Esequiel Gurrola, Certification No. 27475, 17-27475-170220 (El Paso)
- f. Daniel Hale, Certification No. 24200, 16-24200-160208 (Grayson)
- g. Aaron Grant, Certification No. 29405, 17-29405-170055 (Harris)
- h. Anthony Conner, Certification No. 31311, 17-31311-170025 (Harris)
- i. Debra J. Gray (Hill), Certification No. 10717, 18-10717-170153 (Hays)
- j. Michael Pitts, Certification No. 29859, 18-29859-170357 (Hood)
- k. Eboni Henderson, Certification No. 31472, 18-31472-170367 (Milam)
- l. Qushma Jackson, Certification No. 29437, 18-29437-170352 (Milam)
- m. Patrick Guajardo, Certification No. 30897, 17-30897-170321 (Victoria)
- n. Edward Hranicky, Certification No. 31816, 17-31816-170321 (Victoria)
- o. Kasey Riley, Certification No. 31437, 17-31437-170311 (Victoria)

Ms. Reblin presented the default orders.

The vote was taken on a, d, e, f, l, j, k, and l. Candace Noble moved to approve the default orders. Jimmy Smith seconded. The motion carried.

The vote was taken on b and c. Judge Lisa Jarrett abstained. Judge Wes Ritchey moved to approve the default orders. Chief Scott Matthew seconded. The motion carried.

The vote was taken on g and h. Chief Edeska Barnes abstained. Pama Hencerling moved to approve the default orders. MaryLou Mendoza seconded. The motion carried.

The vote was taken on m, n, and o. Chief Pama Hencerling abstained. Judge Wes Ritchey moved to approve the agreed orders. James Castro seconded. The motion carried.

Discussion, consideration, and possible approval regarding Committee Charters (Action)

Kathryn Gray, Staff Attorney, presented the proposed charters. Chairman Fisher stated that each of the committees were presented with a review of their charters. All committees are presenting their charters for board approval.

Judge Lisa Jarrett moved to approve the committee charters. Chief Edeska Barnes seconded. The motion carried.

Report from the Chairman

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Chairman Fisher read a statement announcing that he has been communicating with the Governor's office and that he will be transitioning out of the chairman duties. The Governor's office will name a replacement in the coming days. He will continue to serve as a member of the board through the end of his term, February 2019.

Chairman Fisher called for recess so the Board could convene in closed session at 11:02 a.m.

Closed Session – Executive Session

- a. **Government Code §551.071 Consultation with attorney (see footnote)**
- b. **Government Code §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c. **Government Code §551.074 Discussion regarding personnel matters**

Reconvene in open session – Discussion, consideration, and possible approval regarding matters deliberated in closed executive session (Action)

Chairman reconvened the open session at 11:50 a.m.

Adjourn

Chairman Fisher adjourned the meeting at 11:50 a.m.